

Prior law provided that no action, whether ex contractu, ex delicto, or otherwise, including but not limited to an action for failure to warn, to recover on a contract, or to recover damages shall be brought against any person performing or furnishing land surveying services, including but not limited to those services preparatory to construction, or against any person performing or furnishing the design, planning, supervision, inspection, or observation of construction or the construction of immovables, or improvement to immovable property:

- (1) More than 10 years after the date of registry in the mortgage office of acceptance of the work by the owner; or
- (2) If no such acceptance is recorded within six months from the date the owner has occupied or taken possession of the improvement, in whole or in part, more than 10 years after the improvement has been thus occupied by the owner; or
- (3) If the person performing or furnishing the land surveying services does not render the services preparatory to construction, or if the person furnishing such services or the design and planning preparatory to construction, does not perform any inspection of the work, more than 10 years after he has completed the surveying or the design and planning with regard to actions against that person.

New law reduces the preemptive period in all three instances to seven years.

Prior law provided that if injury to the property or to a person or if a wrongful death occurs during the ninth year after the date set in the prior law, (R.S. 9:2772(A)) an action to recover the damages suffered may be brought within one year after the date of the injury, but in no event more than 11 years after the date set in the prior law (R.S. 9:2772(A)).

New law provides that if injury to the property or to a person or if a wrongful death occurs during the sixth year after the date set in R.S. 9:2772(A), an action to recover the damages suffered may be brought within one year after the date of the injury, but in no event more than eight years after the date set in R.S. 9:2772(A).

New law provides for prospective application.

Effective August 15, 1999.

(Amends R.S. 9:2772(A) and (C))